



**MINUTES OF THE SPECIAL JOINT MEETING OF THE
CITY COUNCIL/HOUSING AUTHORITY/
REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 9, 2004, 8:00 p.m.

MEETING

The Meeting of the Special Joint Meeting of the City Council/Housing Authority/Redevelopment Agency was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Boy Scout Indy Nelson of Troop 801.

ROLL CALL

Present: COUNCIL/HA/RA MEMBERS Jimenez, Quirk, Halliday, Ward, Dowling,
Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/HA/RA MEMBERS None

PRESENTATION: Business Recognition Award

The City of Hayward presented the Business Recognition Award for November 2004 to Neopost Inc., located at 30955 Huntwood Avenue, in Hayward. Neopost is part of a worldwide network of Neopost companies. The original company started in 1933 as Friden. It expanded through many mergers and acquisitions, and in 1995 was purchased by the Neopost Group based in Paris, France. In 1977, Friden-Neopost located in Hayward. They have been at their current 62,300 square foot facility since 1982 and currently have 250 employees. Neopost sells mailing, document and logistics systems, and provides customized mail processing solutions covering both letters and parcels to a wide range of customers.

The Neopost Group has developed leading edge logistics technology by devoting a large percentage of their resources to research and development. This investment in research and development has made Neopost one of the fastest-growing providers of mailing, addressing, logistics, and document handling products. Neopost is also the only company with major presence in the five largest markets: United States, Canada, France, Germany, and the United Kingdom.

Regular blood drives for the Blood Centers of the Pacific won Neopost the 2003 Outstanding Achievement Award for companies with 250 to 499 employees. In addition, Neopost regularly contributes to local agencies serving the community such as Lance Armstrong Foundation, various local schools for special events, and sponsors local youth sports teams.

Neopost, Inc. was awarded the November Business Recognition Award for creating many jobs in Hayward; for their exemplary community participation and philanthropic generosity; and for attracting positive attention to our City. Mr. Hakan Orvell, Vice President of Finance and Chief Financial Officer, accepted the award and thanked Council for this honor and recognition. He noted that his firm has been in Hayward for over 20 years.

PUBLIC COMMENTS

Kerrie Barlow representing the Anti-Name Change Student Coalition, announced a rally that will be held at the gathering of students at the university. It is an informal coalition comprised to declare that the process was wrong in determining the name change. She asked what the Council had in mind to the proposed name change. Mayor Cooper responded that members of the City Council plan to be at the rally and she plans to attend the meeting of the Board of Regents in Long Beach.

John Gilbertson reiterated his concerns made at a previous meeting.

Adrian Escoto spoke against the administration of CSUH and its proposed name change.

Francisco Abrantes commented on an issue related to a parcel on Grand Street.

Harry Bruno commented on the current recall, the signature gathering, the petition availability and his concerns related to the police chief investigation.

Bob Billmire, representing Hayward United Against Recall, enumerated a number of organizations and citizens in support of Mayor Cooper.

Robert Lopez spoke on the recall, the 238 Alternative Proposal, and the Police Department investigative report as well as the inaccurate information provided by the Daily Review.

Barbara Heringer-Swarr spoke on the video series at Chabot College and on the topic of alternative energy services.

Ben Bruno spoke on the recall and the related issues. He stated that eight hundred signatures were collected during last week's Presidential Election day.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Housing Authority/Redevelopment Agency Meeting of October 26, 2004

It was moved by Council/HA/RA Member Henson, seconded by Council/HA/RA Member Ward, and carried unanimously, to approve the minutes of the Special Joint City Council/Housing Authority/Redevelopment Agency Meeting of October 26, 2004 with minor revisions for clarification.

2. Highland Chain Pump Station Improvements, Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Ameri, dated November 9, 2004, was filed.



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It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to adopt the following:

Resolution 04-160, "Resolution Approving Plans and Specifications for the Highland Chain Pump Station Improvement Project and Call for Bids"

3. Hesperian Booster Pump Station Improvement Project, Authorization for the City Manager to Execute Amendments to Professional Service Contracts

Staff report submitted by Deputy Director of Public Works Ameri, dated November 9, 2004, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to adopt the following:

Resolution 04-161, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement between the City of Hayward and Carollo Engineers and Geomatrix Consultants for the Hesperian Booster Pump Station Project, Project Nos. 7144, 7091, and 6944"

4. Authorization to Execute Agreements with Plan Check Consultants

Staff report submitted by City Building Official Herman, dated November 9, 2004, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to adopt the following:

Resolution 04-162, "Resolution Authorizing City Manager to Execute Agreements with Plan Check Consultants"

5. Acceptance of Cannery Water Tower from ConAgra, Inc.

Staff report submitted by Redevelopment Director Bartlett, dated November 9, 2004, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to adopt the following:

Resolution 04-163, "Resolution Accepting Donation of the Cannery Water Tower from Conagra, Inc."

LEGISLATIVE BUSINESS

6. Consideration of the Modified Route 238 Corridor Improvement Project (*Continued from 10/26/04*)

Staff report submitted by City Manager Armas, dated November 9, 2004, was filed.

Mayor Cooper requested that individuals who had previously spoken not repeat what was said.

Mayor Cooper opened the public hearing at 8:45 p.m.

The following made statements against the Route 238 Alternative Proposal:

Rudy Grassechi, owner of the Cobblers
John Neath
Joseph Oberman
George Gordon
Barbara Fields

Pastor Horacio Jones, Fremont Bible Fellowship, spoke on behalf of his parishioner, who operates a hair salon, the Elegant Palace on Foothill Boulevard. He asked that the Council consider its decisions in the best interests of the City.

Lorraine Joseph reiterated her concerns related to the lease for her business, the Elegant Palace, and her discussions with the owner of the building. In response to several of her questions, Mayor Cooper commented on the court case that delayed the process. City Manager Armas stated that the City is not always aware of the business discussions of building owners with their tenants. The City reviewed the application for the Elegant Palace on that basis only. City Manager Armas did recall speaking to the prior owner and explaining this issue. He also reported that this issue has been openly discussed for the past two years.

Paul Sheckler, owner of the building that is occupied by the Copy Mat business, reported on the potential loss of his business and related jobs. He expressed his concerns against this proposal and the potential eminent domain on his property. He suggested the City of Hayward calculate this imposition on those businesses and the lives of those who work in them.

David Elkius spoke on behalf of the automotive related businesses and stated that losing parking along Mission Boulevard would be most detrimental.

Bud Allan, owner of Hayward Chevrolet, spoke against the proposal and against the removal of parking along Mission Boulevard as much of his business occurs during commuter hours. He emphasized the substantial sales tax revenues that his business contributes to the City. He urged another alternative.

Stan Ramirez, new owner of Hayward Dodge, commented on his experience in Oceanside and the impacts of an expressway on a town similar to Hayward.



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Audrey LePell spoke on behalf of CATS. She asked that the San Lorenzo Creek, the Portuguese Park and the Hayward Plunge entrance be protected and enhanced during this process. She agreed that the major entrances to the City be pleasing. Ms. LePell suggested that side streets be improved and not be closed. In regards to the grade separation, she asked that it not be constructed as deep as intended due to safety concerns for pedestrians. She also urged that whatever was the outcome, that the alternative protect businesses.

Trumain Mitchell spoke in support of business owner, Lorraine Joseph, who operates the Elegant Palace. He was not in favor of the Foothill widening.

Dexter Chan stated that he was not able to attend last week, but submitted a statement. He spoke on that statement and commented on a symposium he attended in Las Vegas that showed just the opposite of what is being proposed. He spoke on the flow of traffic and its impact at various locations.

Francisco Abrantes commented on a former business.

Angela Flowers stated that she is a new resident and spoke on behalf of Lorraine Joseph.

Dharam Salwan stated that he owns four properties on Foothill Boulevard and spoke against the project.

Barbara Heringer-Swarr stated that this proposed project has motivated many individuals of this community to respond negatively. She suggested the widening of the interchange instead of the widening of Foothill Boulevard.

Colleen Hutchings noted that she has lived in Hayward since 1986. She also urged the widening of the two lane interchange between 880 and Interstate 580. She asked the Council to review Dexter Chan's suggestion.

Steven James, owner of a furniture store in Hayward, committed to improve his business if the lanes are not increased. He enjoyed the social gatherings happening in the downtown.

Jim Drake stated that he voted for the bypass. He was not in favor of widening Foothill Boulevard.

Mayor Cooper closed the public hearing at 9:49 p.m. and called for a recess.

Mayor Cooper reconvened the meeting at 9:56 p.m.

Mayor Cooper stated that this project has been studied for the past forty years. She noted four individuals present including a representative of Supervisor Nate Miley and ACTA staff person, Christine Munson.

Council Member Jimenez stated that in his twenty-three years of serving on the City Council, he has never received so many emails, telephone calls and complaints from citizens against this project. He stated that he voted in favor of the original bypass.

In response to Council queries, Christine Munson of ACTA, explained the funding and the requirements that must be met to insure the money. There is a project contingency with a December 31st deadline that was extended to January 31, 2005. She stated that the contingency would be available. The ACTA Board will have to act to approve the expenditure plan. She discussed the criteria in citing regional benefits and noted that the ACTA Board would examine the intent of the funds in the original expenditure plan for this corridor. The ACTA Board is expecting a consensus from the Council.

City Manager Armas emphasized the importance of remembering that the proposed project is dramatically different from the proposed bypass and even different from what was proposed this past summer. This project will include the building of a grade separation at Mission, Foothill and Jackson in order to separate traffic and improve flow. From that point south to Industrial, he noted the improvements will stay within the right of way with the exception in the vicinity of Carlos Bee and Mission. There will be no additional property acquisition on Mission Boulevard. He added that property acquisition could take place going north from the grade separation to the creek at City Center south and from that point north to Mattox, no property will be taken. He described the segment of the project that has caused the greatest controversy in the modified version of the project where there is between 35 to 40 feet on the east side of Foothill that needs to be acquired. In response to the Council and community concerns, staff is recommending evaluating staying within the curve to curve in this area as well. During the next step of the process, which is the environmental review, there will be opportunity for both proposals to be evaluated in order to make a better judgment. The loop alternative will also be studied during the environmental project.

Council Member Ward asked if it is possible to achieve that grade separation with minimal property takes on the west side.

City Manager Armas pointed out that the grade separation will not impact St. Regis Retirement Center, but will impact the computer store at the corner as well as some impact to the parking lot of Kragen's. He noted the Portuguese Park impacts on both proposals. He delineated the route a student could take from Bret Harte and noted that there is a recommendation to include a pedestrian overpass in the vicinity.

Council Member Halliday was not in favor of a project through the downtown remarking that no one has spoken in favor of that freeway. She thanked staff for its efforts and stated that the final decision will be a compromise but it will identify what project will be studied during the environmental process. She agreed with reduced lanes, wider sidewalks, the installation of medians and left turn lanes. She understood that beautifying the downtown is not the business of ACTA, but its focus is to improve traffic flow. Council Member Halliday felt that the loop option could confuse drivers in the downtown. She was glad to hear the downtown business owners as well as the community speak on how the downtown will be and encouraged those businesses that are currently improving them. She was in support of staying within the existing right of way and not the proposed ten lanes as the preferred project. She was in favor of pursuing the grade separation



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development, intersection improvements to the college and wider sidewalks to make a walk-able downtown.

Council Member Henson thanked Mayor Cooper for her efforts to keep the funding available. He asked Ms. Munson of ACTA if the project remained within the downtown parameters and included the development of the two grade separations, could the funds also be used for the I238 widening to force the drive-through traffic out of our downtown. He did not recommend the ten lanes. He was in favor of signalization to improve traffic flow as well as for pedestrian orientation with the use of technology to light sidewalks. He was not in favor of left turn queues to access Cal State, but his preference is direct access. He was concerned with the potential growth of Cal State Hayward and whether the two left turn lanes would be sufficient. He also agreed with finding alternative parking for commuter shoppers for the auto dealerships. He was in favor of the intersection improvements at the entrance to Moreau Catholic High School as suggested by Council Member Dowling. Lastly, he urged building owners on the east side to invest and improve their buildings as the downtown is revitalized.

Ms. Munson reported that the ACTIA Board has funds for the I238 widening project. This project is in the design stage and construction could start next year if State funds are available and at this point, it is fully funded. Additional widening could require additional State funding.

Council Member Dowling stated that he made his concerns known last week against the ten lane Foothill proposal, but supports the rest of the staff recommendation. He asked Ms. Munson of ACTIA to clarify the funding for the modified plan as well as the review of other options as discussed by the City Manager.

Ms. Munson explained that the ACTA Board has stated that it commits the \$70 million for this project that meets the expenditure plan or an accepted expenditure plan. If the Council's recommendation is within the expenditure plan, the ACTA Board will review it to consider whether it meets the intent of that plan. If the expenditure plan is amended, approval will need to be by the Board of Supervisors and the majority of cities representing a majority of the population. She reported that the ACTA Board is interested in investing toward improving this corridor for transportation. She commended Mayor Cooper for her efforts to protect the monies.

Council Member Dowling discussed the funding of the ACTA and the ACTIA agencies. It was noted that the two agencies are served by the same staff. He asked that the maker of the motion include his recommendations for intersection improvements at Mission and Jefferson. In response to public input, he suggested that the ten lanes should not be considered during the EIR process.

Council Member Quirk commented on the traffic models and noted that in 2025 the time to get to Mission from Industrial will take ten additional minutes than what occurs now. He stated his issues with reduced lanes and was questioning the expenditure of \$70 million for the grade separations. He urged that more than one option be studied as part of the process for a more livable downtown.

Mayor Cooper noted that this is a very difficult decision. She felt that there was consensus for the improvements on Mission Boulevard. She agreed that traffic signalization could provide a good traffic flow. She noted that consumers have access to the rear of the businesses on Foothill, but not on Mission Boulevard. She had not been aware of auto dealers' concerns of eliminating access during peak commuter times. She urged the need for offsite parking facilities or at the rear of buildings so that consumers have access to those businesses during peak hours. She noted that she did not hear objections to the over-crossing. She felt that studying the loop option would not be effective; it's confusing, but if that is recommended, it could be another alternative. She would agree to include the over-crossing in a modified way, with the Foothill Freeway remaining within its current boundaries and to study whether it can accommodate the over crossing in an accessible radius. She acknowledged the business concerns for future viability.

Discussion ensued on the improvements for the I238 that involve available funding to add additional lanes and the addition of auxiliary lanes to access the 880 freeway. Ms. Munson offered to provide a future presentation on this project.

There was a short discussion on the appeal process that followed the judge's decision on the Route 238 project.

Council Member Ward thanked the Route 238 Working Group for their work on this proposal. He thanked Bob Billmire and Audrey LePell, representing CATS, for their efforts and dedication to this project throughout the years. He thanked Mayor Cooper for her efforts to maintain the funding. He also commended City Manager Armas, City Engineer Bauman and Director of Public Works Butler and staff.

Council Member Ward made the following motion, seconded by Council Member Dowling. The submittal to ACTA for consideration will be the alternative to be called "Preferred Alternative A" that does not include any widening of Foothill Boulevard and remains within the existing right of way from Maddox to Jackson. Referring to Exhibit A of the agenda report, this alternative includes the road closure at Apple and authorizes the analysis of two grade separations, one at Foothill/Mission/Jackson and the other at Jackson/Watkins. With regard to the first grade separation, the objective is to minimize the amount of property takes associated with those improvements and provide safe passage for pedestrians crossing Mission and Foothill Boulevards, at that location. Further down Mission Boulevard, the alternative is as recommended by staff, with two modifications. First, that staff review the feasibility of creating a left turn lane into the Plunge parking lot, and second, that a left turn only traffic signal into Moreau Catholic High School is provided as requested by Council Member Dowling. The motion includes an acknowledgement of Council Member Henson's suggestion to study a new signalization along the Foothill-Mission corridor and consider lighted crosswalks. Lastly, the motion calls for the CATS proposal for a one-way loop system to be one of the alternatives evaluated in the environmental document.

In response to the left turn lane into the Hayward Plunge parking lot request by HARD, City Manager Armas reported that HARD is collecting data and that may not occur.

Council Member Quirk reiterated the concerns related to traffic from the Pinedale Court neighbors relative to the proposed grade separation and access from Jackson Street.



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Council Member Ward asked staff whether this could be reviewed. City Manager Armas thought it could be accomplished via the right of way to be acquired.

Council Member Quirk also suggested using the parking lanes as traveling lanes during commuter hours and not allowing left turns from Foothill.

Council Member Ward thought that it could be possible to have a few left turns heading north, but that needs to be evaluated. He also stated that there could be on a permanent basis, the elimination of parking on both the east and west side of approximately one block, which will also be evaluated.

Council Member Quirk stated that he has major concerns with this. He was concerned with using the funding for the proposed underpass overpass and the disruption of traffic. In his opinion, this project doesn't work.

Council Member Jimenez asked that the recommendations in the motion be repeated relative to Carlos Bee, Orchard and Mission. He expressed concerns on how this could impact a brand new automobile business at that corner. It was noted that the current property is a lot for storing automobiles.

Council Member Dowling asked that the motion include the need to address the concerns of auto dealers regarding commuter parking and the elimination of parking during commuter hours.

Council Member Henson stated that he would support the motion and asked for further clarification in regards to staying within the rights of way. He expressed concern for the physical conditions of both Foothill and Mission Boulevards. It was noted that this is conceptual, but perhaps the State could consider that.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried by the following roll call vote:

Resolution 04-164, "A Resolution Submitting the Modified Route 238 Corridor Improvement Project to the Alameda County Transportation Authority as the Replacement Project for the Hayward Bypass in the 1986 Measure B Expenditure Plan"

AYES: Council Members Jimenez, Halliday, Ward,
Dowling, Henson
MAYOR Cooper
NOES: Council Member Quirk
ABSENT: None
ABSTAINED: None

COUNCIL REPORTS

DRAFT

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:13 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency
Chair, Housing Authority

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency
Secretary, Housing Authority